

## REMARKS

### *The Present Invention*

The present invention pertains to an isolated or purified metal-containing ribonucleotide protein, a process for producing the same, and a medicament comprising the same.

### *The Pending Claims*

Claims 8, 9, 11, 13 and 14 are currently pending. Claims 8, 11 and 13 are directed to an isolated or purified metal-containing ribonucleotide protein, claim 9 is directed to a process for producing the same, and claim 14 is directed to a medicament comprising the same.

### *The Office Action*

The Office has accepted the drawings filed on May 12, 2003, and has acknowledged receipt of applicants' properly executed declaration and has fully entered the same.

The Office has withdrawn claims 15-29 from consideration because they are patentably distinct from the invention originally claimed. The Office has rejected claims 8, 9, 11 and 14 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description and as allegedly lacking enablement. The Office has further rejected claims 8, 9, 11 and 14 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Reconsideration of the rejections is hereby requested.

### *The Amendments to the Claims*

Claim 12 has been canceled because the features thereof are now recited in independent claim 8. Claims 15-29 have been cancelled due to the restriction requirement. Applicants reserve the right to pursue any canceled subject matter in a continuing application. Cancellation of any subject matter should not be construed as abandonment of that subject matter.

Claims 8 and 14 have been amended not in acquiescence of any rejection but merely to expedite prosecution of the application.

Claim 8 has been amended to recite the phrase "has the amino acid sequence of SEQ ID NO: " as one of the three defining features of the "protein from the family of S100 proteins," and is supported in the specification at page 2. Claim 8 has also been amended to reflect that it now recites three features of the protein, not two. Claims 8, 9, 11, 13 and 14 have been amended to recite "RNP" rather than "RPN" for the sake of uniformity and consistency with the specification; see, for instance, pages 2, 4 and 5.

Claim 14 has been amended to delete "and/or a molecular-biological equivalent and/or fragment and/or derivative thereof." Claim 14 has also been amended to recite "RNP" in lieu of "ribonucleotide protein," as this acronym is set forth in claim 8.

#### *Discussion of the Indefiniteness Rejection*

The Office rejects claims 8, 9, 11, 13 and 14 as allegedly indefinite. Specifically, the Office objects to the interchangeable use of the acronyms "RNP" and "RPN" to refer to the same ribonucleotide protein complex. The rejection is well taken. Accordingly, the claims have been amended to recite only "RNP," so that they are consistent with each other and the specification, see pages 1, 2, 4, 5 etc. Applicants, therefore, request that the rejections of claims 8, 9, 11, 13 and 14 be withdrawn.

#### *Discussion of the Written Description Rejection*

The Office rejects claims 8, 9, 11, and 14 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. Specifically, the Office contends that claim 8 allegedly reads on *any* member of the family of S100 proteins, yet the specification allegedly identifies only one member of the family, namely, that having the amino acid sequence of SEQ ID NO: 1. As claim 8 has been amended to recite the feature that "the protein from the family of S100 proteins (i) has the amino acid sequence of SEQ ID NO: 1," Applicants request that these rejections be withdrawn.

The Office also rejects claim 14 under 35 U.S.C. § 112, first paragraph, as allegedly lacking a written description because the "specification does not point to any molecular biological equivalents and/or fragments and/or derivatives of the claimed composition." As claim 14 has been amended to delete the phrase "and/or a molecular-biological equivalent

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and/or fragment and/or derivative thereof," Applicants request that this rejection be withdrawn since it is now moot.

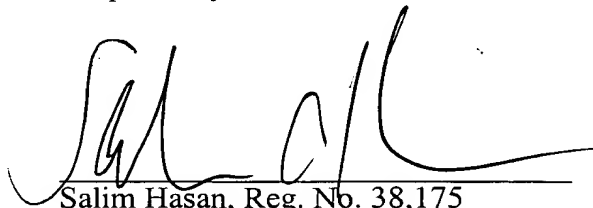
*Discussion of the Lack of Enablement Rejection*

The Office has rejected claims 8, 9, 11 and 14 under § 112, first paragraph, as allegedly lacking enablement. In particular, the Office alleges that, while being enabling for ribonucleotide protein complexes comprising the amino acid sequence of SEQ ID NO: 1 and the nucleic acid sequence of SEQ ID NO: 3, the specification does not enable one of ordinary skill in the art to make and/or use a ribonucleotide protein complex comprising any member of the family of S100 proteins. As claim 8 has been amended to recite the limitation that "the protein from the family of S100 proteins (i) has the amino acid sequence of SEQ ID NO: 1", the rejection is moot. Therefore, Applicants request that the rejection under § 112, first paragraph, for an alleged lack of enablement, be withdrawn.

*Conclusion*

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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